

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

Date: November 6, 2002

To: Interested Parties

From: Mary Ellen Gray
Deputy Assistant Commissioner
Office of Water Quality

Subject: Final draft of 2002 303(d) list and supporting materials

The Federal Clean Water Act, Section 303(d) and 305(b) requires each state to identify those waters that do not meet the state's water quality standards for designated uses and provide information on the state's water quality. These reporting requirements are known respectively as the 303(d) list and the 305(b) report. Historically, these reports have been separate. However, for this listing cycle, the U.S. Environmental Protection Agency (EPA) developed a guidance document that recommends the states to integrate their reporting on these requirements.

Indiana has opted to utilize this integrated report which includes a consolidated listing methodology. This integrated report allows the state to coordinate the reporting of the 303(d) and 305(b) and to categorize those waterbodies not meeting water quality standards based on the different situations relevant to their support of designated uses.

Indiana has already submitted the 305(b) component of this integrated report, which is available at www.in.gov/idem/water/planbr/wqs/quality.html.

The enclosed material comprises the 303(d) list component. The 303(d) list material includes:

- 303(d) Listing Explanations
- IDEM 303(d) list methodology
- Response to comments on Indiana's 2002 303(d) draft list of impaired waters
- 303(d) List Category 2
- 303(d) List Category 3

- 303(d) List Category 4A
- 303(d) List Category 4B
- 303(d) List Category 4C
- 303(d) List Category 5 – list of impaired waters arranged by TMDL schedule
- 303(d) List Category 5 – list of impaired waters arranged by 1998 303(d) list number and including database stream segment designations and Hydrologic Unit Code

IDEM received a number of comments on the 2002 303(d) draft published in March of this year. IDEM very much appreciates the comments we received and we have tried to be as responsive as possible. The public comments and IDEM's responses are in the response to comment document. The following address the key comments raised:

- ***The Water Pollution Control Board (WPCB) has not yet adopted a 303d listing methodology as required in SEA 431*** SEA 431 requires that the list be published in the Indiana Register and be made available to the WPCB and for public comment before submission to EPA. SEA 431 did not require that a rulemaking be completed before the 2002 303(d) list was developed. A timeline was not attached to this component of SEA 431 because it was recognized that the rulemaking procedures are lengthy and such a rulemaking should not be rushed. The EPA has delayed the completion of their TMDL regulation, originally expected at the end of 2000. A state rule will have to comply with the federal rule, which is now expected in the next several months. IDEM has developed a listing methodology (enclosed) that describes the listing procedures that IDEM followed. In addition this listing includes recommendations from the statutorily required TMDL Advisory Group.
- ***Inclusion of impaired biological communities on the 303(d) list.*** IDEM believes that there is adequate information to include a number of waterbodies as impaired biological communities on the 303(d) list. A waterbody is considered to be impaired, if it does not meet a designated use(s). These impairments are based on the water quality standards promulgated by Indiana for a pollutant. Listings of impaired biotic communities are based on the narrative standard for aquatic life. IDEM does not list streams where the impairment is solely due to habitat issues, or where the impairment is caused by pollution rather than a pollutant. IDEM also realizes that protocols for these TMDLs still need to be developed. As a result these TMDLs will be phased in over the 15 year schedule to allow time for IDEM and others to develop these protocols.
- ***Inclusion of fish consumption advisories on the 303(d) list.*** IDEM has included fish consumption advisories (FCA) on the 303(d) list. All waterbodies that are on the 303(d) list for FCA have actual data associated with it. "Fishable" is a designated use to protect human health. The FCA, is not based on a narrative water quality standard but rather, it is based on a risk analysis for the protection of human health. This risk analysis is derived from a numeric threshold for the presence of contaminants in fish tissue. Consumption of such contaminated fish by humans is considered unsafe for

human health and constitutes the basis for fish consumption advisories. IDEM feels it is appropriate to include these waterbodies on the 303(d) list in order to be protective of human health. IDEM also realizes that protocols for these TMDLs still need to be developed. As a result these TMDLs will be placed at the back of the 15 year schedule to allow time for protocols to be developed.

- ***Deference to CSO LTCPs for e-coli.*** IDEM has included waterbodies that are impaired for e.coli that are proximate to Combined Sewer Overflow (CSO) communities. IDEM has done so because there is no indication that these streams listed for E. coli are impaired solely due to CSO issues or other urban storm water run-off. For these waterbodies, the TMDLs have been placed further back in the 15 year schedule in order to give the CSO long-term control plan time to have a positive impact on water quality.
- ***Data used for the 303(d) list and its availability to review during the comment period.*** Waterbodies are included on Indiana's 2002 303(d) list only if actual data exists showing an impairment within a waterbody or assessment unit as defined by EPA and described in the enclosed methodology. Projected data, modeling, and/or subjective evaluations such as cursory visual inspections were not used for 303(d) listing purposes. IDEM has now made available upon request the data used to support the inclusion of waterbodies on the list and will continue to be responsive to information requests. It is IDEM's goal to have all of this data centrally and electronically available. However, it will take some time for IDEM to meet this goal.
- ***Scheduling of TMDLs and our interest in working with stakeholders on 'streamlining' and involving the public.*** While specific situations may vary, the TMDL process in general can be a lengthy and complicated. With 428 TMDLs scheduled, IDEM will be working with EPA, the public and other states to explore all options to expedite and streamline the TMDL process or to substitute other effective approaches for TMDLs. IDEM also will continue to work with the TMDL advisory group to explore ways to streamline the process and continually improve upon public involvement.

Category 5 comprises the 2002 303(d) list. Category 5 has a total number of 428 waterbodies. The breakdown of the Category 5 listing by parameters is as follows:

List 5 – 428 waterbodies*

Parameter	Number of waterbodies on 303(d) list
Impaired Biotic Communities -----	180
E. coli -----	174
FCA -----	167
DO -----	27
Nutrients -----	22
Total Dissolved Solids -----	19

Algae -----	14
Sulfates -----	12
Taste & Odor -----	10
Ammonia -----	7
Cyanide -----	6
Chlorides -----	5
pH -----	5
Copper -----	3
Lead -----	3
Oil & Grease -----	2
Dioxin -----	1
Nickel -----	1
Nitrates -----	1
Siltation -----	1
Zinc -----	1

*For 303(d) waterbodies with more than one segment, each parameter was only counted once.

Category 2 – 960 waterbody segments

Category 3 – 688 waterbody segments

Category 4A – 2 waterbody segments

Parameter	Number of waterbodies
Ammonia, DO -----	1

Category 4B – 9 waterbody segments

Parameter	Number of waterbodies
Thermal -----	3
DO -----	2
E. coli -----	1

Category 4C – 16 waterbody segments

Parameter	Number of waterbodies
Impaired Biotic Communities -----	14

While the delisting methodology is more fully described in the enclosed methodology, IDEM has proposed to EPA that a 35 waterbodies be delisted from the 1998 list because new data has indicated that these waterbodies are no longer impaired. The breakdown of the listing by parameters is as follows:

Parameter	Number of waterbodies
Cyanide-----	12
Dissolved Oxygen-----	11
Lead-----	7
Ammonia-----	5
Copper-----	2
E.Coli-----	2
PH-----	2
Pesticides-----	2
Chlordane-----	1
Endrin-----	1
Oil and Grease-----	1

Currently there is a requirement to submit the 303(d) to EPA every two years. At the writing of this memo it is IDEM's understanding that the new EPA TMDL rule (Watershed rule) will include a provision for 303(d) list submittal every four years. This rule is expected to be promulgated shortly.

IDEM will host a public meeting at 1:30 PM on November 13, 2002, at the Indiana Government Center South, 402 W. Washington Street, Indianapolis, Conference Room C, to present these materials and answer questions. These materials will then be presented to the Water Pollution Control Board at its regularly scheduled meeting on December 11, 2002, at 1:30 PM at the Indiana Government Center South, Conference Room C. Upon that review, these materials will be submitted to EPA.

We hope that you find these materials informative. Please let me know if you have any questions or concerns. My email is mgray@dem.state.in.us and my phone is (317) 233-2550.